

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 1, 5, 7, 9, 24 and 25 will have been amended. Accordingly, claims 1-29 will be pending with claims 1, 5, 7, 9, 24 and 25 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claims 1-4, 6, 8 and 12-29 over the art of record. Finally, the Examiner indicated that claims 5, 7 and 9-11 contain allowable subject matter and would be allowed if presented in independent form. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Request for PTO-1449 with all documents initialed

Applicant notes that the Examiner returned an Examiner signed copy of the IDS paper filed on February 20, 2004 with each listed document initialed.

Accordingly, inasmuch as Applicant apparently neglected to provide the Examiner with a form PTO-1449 listing the cited documents and/or the Examiner has failed to locate the form PTO-1449, and inasmuch as the Examiner has in fact already considered the listed documents, in order to ensure that the considered documents are properly listed on

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the face of the patent (should the instant application issue), Applicant respectfully requests that the Examiner initial the previously considered documents listed on the attached form PTO-1449, and provide a copy of the form PTO-1449, with the next Office Action.

Traversal of Rejection Under 35 U.S.C. § 102

Applicant traverses the rejection of claims 1-4, 6, 8 and 12-29 under 35 U.S.C. § 102(a) as being anticipated by US patent 6,624,347 to ERISMANN.

The Examiner asserted that ERISMANN discloses all the features recited in these claims including the free spaces. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what ERISMANN discloses, Applicant submits that ERISMANN fails to disclose, or even suggest: inter alia, a chamber comprising free spaces on opposite sides of the string tension head that *allow for free movement of the portion between the string tensioning head and the feed aperture and the portion between the string tensioning head and the fixing point*, wherein *the free spaces extend along a direction of movement of the string tensioning head and allow for the free movement of said portions of the string during movement of the string tensioning head within the chamber*, as recited in amended independent claim 1; *guiding recesses arranged on opposite sides of each string tensioning head, the guiding recesses extending along a direction of movement of the string tensioning heads*, wherein rotation of each rotatable tuning mechanism causes each string tensioning head to move without rotating, and wherein *the guiding recesses guide movement of the end areas of the strings during*

rotation of each rotatable tuning mechanism, as recited in amended independent claim 24; and inter alia, guiding slots located on opposite sides of each string tensioning head, the guiding slots extending along a direction of movement of the string tensioning heads, wherein rotation of each rotatable tuning mechanism causes each string tensioning head to move without rotating, and wherein the guiding slots guide movement of the end areas of the strings during rotation of each rotatable tuning mechanism, as recited in amended independent claim 25.

By way of background, Applicant's invention utilizes oppositely arranged slot-shaped recesses 14 or 17 as the oppositely arranged free spaces, guiding recesses or guiding slots. These oppositely arranged spaces allow for and guide the end portions or areas of the strings within the chamber. For example, Figs. 2 and 4 clearly illustrate, the recesses 14 and 17 allow for and guide the free movement of the end portions of the string during movement of the string tensioning head 11, 11' within the chamber.

With regard to the instant rejection, Applicant acknowledges that Figs. 13 and 14 of ERISMANN discloses a string tensioning system which utilizes a string tensioning screw 26 and a string tensioning head 26 arranged with a chamber. Applicant also acknowledges that Figs. 13 and 14 show the use of a guiding slot 9 for guiding a pin 10 (see also col. 7, lines 63-65). However, it is apparent from a fair reading of the figures that this document does not disclose or suggest that the chamber includes free spaces on opposite sides of the string tension head, much less, free spaces that *allow for free movement of the portion between the string tensioning head and the feed aperture and the portion between the*

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string tensioning head and the fixing point, wherein the free spaces extend along a direction of movement of the string tensioning head and allow for the free movement of said portions of the string during movement of the string tensioning head within the chamber, and/or guiding recesses arranged on opposite sides of each string tensioning head, much less, that the guiding recesses extend along a direction of movement of the string tensioning heads, wherein rotation of each rotatable tuning mechanism causes each string tensioning head to move without rotating, and wherein the guiding recesses guide movement of the end areas of the strings during rotation of each rotatable tuning mechanism, and/or guiding slots located on opposite sides of each string tensioning head, much less, that the guiding slots extend along a direction of movement of the string tensioning heads, wherein rotation of each rotatable tuning mechanism causes each string tensioning head to move without rotating, and wherein the guiding slots guide movement of the end areas of the strings during rotation of each rotatable tuning mechanism. To the contrary, it is clear from Figs. 13 and 14 and col. 8, lines 48-56 that the openings 27 are merely bores which constrain the end portions of the strings 24.

Applicant emphasizes that the bores 27 in ERISMANN constrain the movement of the strings along the direction of movement of the string tensioning head and cannot properly be characterized as free spaces arranged on opposite sides of the string tensioning head, much less, free spaces that *allow for free movement of the portion between the string tensioning head and the feed aperture and the portion between the string tensioning head and the fixing point, wherein the free spaces extend along a direction of movement of*

the string tensioning head and allow for the free movement of said portions of the string during movement of the string tensioning head within the chamber. Nor can the Examiner properly characterize the bores 27 in ERISMANN as guiding recesses arranged on opposite sides of each string tensioning head, much less, that the guiding recesses extend along a direction of movement of the string tensioning heads, wherein rotation of each rotatable tuning mechanism causes each string tensioning head to move without rotating, and wherein *the guiding recesses guide movement of the end areas of the strings during rotation of each rotatable tuning mechanism.* Finally, Applicant also submits that the Examiner cannot properly characterize the bores 27 in ERISMANN as guiding slots located on opposite sides of each string tensioning head, much less, that *the guiding slots extend along a direction of movement of the string tensioning heads*, wherein rotation of each rotatable tuning mechanism causes each string tensioning head to move without rotating, and wherein *the guiding slots guide movement of the end areas of the strings during rotation of each rotatable tuning mechanism.* Clearly, the bores 27 of ERISMANN neither allow for movement of the end portion of the strings nor guide the movement of the end portions of the strings when the string tensioning head is moved.

Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper reading of ERISMANN.

Applicant further notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Because ERISMANN fails to disclose at least the above mentioned features as recited in independent claims 1, 24 and 25, Applicant submits that ERISMANN does not disclose all the claimed features recited in at least independent claims 1, 24 and 25.

Furthermore, Applicant submits that claims 2-4, 6, 8, 12-23 and 26-29 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of ERISMANN discloses or suggests, in combination: that the tensioning screw extends into the chamber crosswise to an axis running through the string introduction aperture and the fixing point as recited in claim 2; that the system further comprises a guiding body, wherein the string tensioning head is guided in the guiding body as recited in claim 3; that the guiding body is a block-shaped guiding body as recited in claim 4; that the system further comprises at least one guiding sleeve, wherein the string tensioning head is guided within the at least one guiding sleeve as recited in claim 6; that the at least one guiding sleeve comprises ends which are one of fixed to the instrument body and non-movably mounted to the instrument body as recited in claim 8; that the system further comprises at least one tuning screw coupled to the tensioning screw as recited in claim 12; that the system further comprises at least one tuning screw threadably engaging the tensioning screw, wherein rotation of the tuning screw causes the tensioning screw and the string tensioning head to move towards or away from the tuning screw as recited in claim 13; that the system further comprises at least one tuning screw connected to the tensioning screw, wherein rotation of the tuning screw causes the string tensioning head to move towards or away from the tuning screw as

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recited in claim 14; that the tensioning screw is axially retained and rotatable as recited in claim 15; that the system further comprises a mechanism for preventing rotation of the string tensioning head as recited in claim 16; that the mechanism is connected to the string tensioning head as recited in claim 17; that the mechanism comprises one of a projection and a pin as recited in claim 18; that the system further comprises at least one guiding slot which receives the mechanism and which guides the string tensioning head in the longitudinal direction as recited in claim 19; that the string tensioning head comprises an internal screw thread and an extended side portion that is connected to the portion as recited in claim 20; that the extended side portion comprises an opening that receives the portion as recited in claim 21; that the string tensioning head comprises a surface which engages another surface to prevent rotation of the string tensioning head during longitudinal movement of the string tensioning head as recited in claim 22; that the instrument body is a guitar body as recited in claim 23; a method of stringing a string instrument which includes the string tensioning system of claim 1, wherein the method comprises mounting the at least one tensionable string on the instrument body and subjecting the at least one tensionable string to tension by moving the string tensioning head as recited in claim 26; a method of stringing a string instrument which includes the string tensioning system of claim 24, wherein the method comprises mounting each of the plurality of strings on the instrument body and subjecting each of the plurality of strings to tension by moving the string tensioning heads as recited in claim 27; a method of stringing a string instrument which includes the string tensioning system of claim 25, wherein the method comprises mounting each of the plurality of strings on the instrument body and

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rotating each movable tuning mechanism to subject each of the plurality of strings to tension as recited in claim 28; and a method of stringing a string instrument which includes the string tensioning system of claim 25, wherein the method comprises mounting each of the plurality of strings on the instrument body and subjecting each of the plurality of strings to tension by moving the string tensioning heads as recited in claim 29.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(a).

Acknowledgment of Allowable Subject Matter

Applicant acknowledges and appreciates the Examiner's indication that claims 5, 7 and 9-11 contain allowable subject matter and would be allowable if written in independent form. Accordingly, as Applicant has essentially presented claims 5, 7 and 9 in independent form, Applicant requests that at least claims 5, 7 and 9-11 be indicated to be allowed.

Comments on Reasons for Allowance

In response to the Statement of Reasons for Allowance set forth in the Office Action, Applicant wishes to clarify the record with respect to the basis for the patentability of the indicated claims in the present application. In this regard, while Applicant does not disagree with the Examiner=s indication that certain identified features are not disclosed by the references, Applicant submits that the claims in the present application recite a combination of features, and that the basis for patentability of these claims is based on the totality of the recited features.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
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